

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JUL 25 2016

State of New Mexico
U.S. Federal District CourtAugustin F. Granado Jr.
Petitioner

MATTHEW J. DYKMAN

No: 16cv 859 ^{CLERK} KG/SCY

vs.

Wardens at L.C.C.F., Otero County Prison Facility, Santa Fe P.N.M. South, the N.M.D.O.C., S.T.I.U., Corridor Medical Staff all, & now in addition Centurion Medical Services, All staff for them as well, Security staff at L.C.C.F., property, Classification, grievance officers, Chaplain, All in their personal & professional capacities. et al.

Defendants

Motion: For Preemptory Writ of Mandamus. Pro Se Petition Pursuant to the New Mexico Constitution Article VII, Section 13 and N.M.S.A. 44-2-3-1978.

I Augustin F. Granado Jr., Pro se, acting as his/her own counsel, moves the court to:

#1 Order the Santa Fe 1st Judicial District Court to rule on Motion's set forth by the Petitioner in Granado vs. Franco 2016 in Habeas Corpus & Tort Claim.

#2 I ask & seek the Federal Court's intervention for the foregoing reasons.

A. If this honorable Court will review All three Habeas Corpus Petitions sent in on the N.M.D.O.C., S.T.I.U., The New Mexico Public Defender's Dept Wardens on Lea, Otero, & Santa Fe County's the Court at its discretion can contact the Public Defender's Office to verify multiple 1983 issues & violations across every spectrum of my Civil Rights as a United States Citizen, An incarcerated person in the United States.

The Americans with Disabilities Act.
Title II 42 U.S.C. §§ 12131-12134. Which
Applies to all State Prisons & County Jails.
Myself falling under several sections.

- #1 Bi-polar I disorder.
- #2 P.T.S.D. (Chronic)
- #3 Anti-Social Personality Disorder
- #4 Adult Attention Deficit Disorder
- #5 I hear voices
- #6 I lose time
- #7 Have been diagnosed as ~~schizophrenic~~ ^{psy} ~~schizophrenic~~
chotic in the past & treated for
psychosis.
- #8 Found incompetent in 1998
Criminal Conviction of Capital
Murder.
- #9 Found a Mentally Ill Class in
the N.M.D.O.C. In *Granado vs.*
LeMaster's CV-2002-02128. Later
to be settled as The Ayer's Agree-
ment, In Conclusion of Classaction
Lawsuit. Settled with myself per
contract in 2003 for life.

#3 Now in addition to inmate threats,
pain now mental & physical due to

the Lea County Correctional Facility.
 Now I am being threatened by Officers.
 Emergency Informal Complaint submitted
 on 7-14-16. On Sgt. Lopez, C.O. Richardson,
 L.C.C.F. Security, Psychiatry,
 Medical, for threat of phase 4
 spraying & assault for seeking aid
 from psychology & or chain of command.
 Myself requesting psychology at
 this point for 2 days. Due to Nurse
 refusing sick call. Myself having severe
 side effect to Bi-polar medicine.
 I.E. Hemorrhoid & severe sores in my
 mouth for the 2nd time while taking
 my said medicine. The 1st instance reported.
 At P.N.M. South & told due to stress,
 not medicinal side effect. But medicine
 is stopped. Now back at L.C.C.F. I
 ask for self-same medicine due to it
 working prior except for sores, now
 believed due to stress, not medicine.
 Re-prescribed by Dr. Neilson. Sores begin
 again. I complain of sores to Nurse,
 to Dr. Burnbaum M.D. at L.C.C.F. who
 does not check them, says to speak to
 Psychiatrist for them. And allow's me

to leave medical. Again refuses appropriate needed pain medicine. That was working. Upon follow up to psychiatry, emergency ~~at~~ scheduling due to continued vomiting from Dr. Burnbaum giving so much N.S.A.I.D.s over the counter for pain to me. I cannot keep psychotropic medicines down. Vomiting in front of security & nursing staff in pill line. Ignored. I speak of sores in my mouth to psychiatry. Told now that this a life threatening side effects to my medication never warned of this side effect, never signed waiver, now having it again & known to psychiatrist now & he tells me life threatening & allow's me to leave medical again. I think about this. Am afraid. I attempt to see sick call. Refused sick call by Nurse Martin of Centurion Medical. I request psychology. Capt. upon own admittance does not call. Anthony Romero Deputy Secretary of Adult Correction's I speak to about pain, mental illness, vomiting non-treatment, not allowing me legal mailings to the

1st Judicial District Court, no phone calls to them, to report not being allowed mailings to them. He threatens to send me to in essence Level III. with men he knows now for certain wish to take my life. He himself send for me to the S.N.P. program & ordering my departure from it due to threats to my life. And per Farmer vs. Brennan. Filed under in Granado vs. Franco. D-01-CV-2016-01416. In tort, & in Habeas. This does continue to be the norm. for myself in the N.M.D.O.C. Threats after threat, move after move, left indigent, kept indigent, (I.C.) Lea County & G.E.O. both keeping my account at a positive balance of \$14 & a negative saved balance of nearly \$32.00 dollars. 7 months prior for postage. Said not indigent due to balance left over 100 & not able to send legal mailings due to account frozen for debt for postage. Also causing myself no access to career, legal mailings, any purchases & or donations either. Now left in pain, incontinence,

now nausea & vomiting of needed psychotropic medicines & life threatening side effects & still prescribed by Dr. Neilson. Medicine I am allergic to triptol prescribed by Dr. Burnbaum. Treated to be given for over 1 month, me telling Nursing of allergy. Dr. told Dr. should have known. Him self asking allergies. I tell him, he writes down allergy only to later prescribe, with zero consideration to allergy & or life or death. Either with ~~an~~ intentional malicious intent or by negligence & mal-practice. Dr. Burnbaum refusing needed treatments that do work. Deliberately & indifferently leaving myself in severe pain, now mental pain, duress, threat, believed intentional by him. And now psychiatry too. And now h.c.f. security threatening harm for seeking aid. From psychology & or chain of command. Also not allowed. Grievance never returned, never answered in writing, requests for meetings & resolutions ignored. Many complaints recorded by myself. Said never ~~rec~~ received. To deny me. Now

eagle feathers desecrated deliberately,
 clipped it appears, handled by female
 staff, against N.M.D.O.C. policy. This
 one of several desecrations at L.C.C.F.
 now. Done even now by Major & Wardens.
 As show of power over me. Now Dr.
 Burnbaum writes false request & referral
 to psychiatry "starting myself a danger
 to myself & to others & him." After
 discovery ~~req~~ request for service
 address to serve him under tort
 & 1983. Civil Actions. Sgt. Lopez whom
 threatened me for asking for aid
 why? myself told by Warden Smith.
 Pain is weakness be strong. Pawing at
 the air like a cat, while attempting
 I believe to provoke me, after taken
 off suicide & homicide watch. I question
 ing me on unprovoked assault on my
 self in 2015. Asking about gang activities
 I know not. If gang donates to charity's
 I do not know. Myself, yes I do.
 There are now direct threats made
 by staff at L.C.C.F. now. Dr. Burnbaum
 is now attempting to falsify & get psych
 ology & psychiatry to falsify allegations

of self-injurious behavior for taking pills,
 now said improperly prescribed by Nurse
 Kallopi. Who now refuses to provide orders
 as prescribed. (I.E.) Excedrin & tylenol &
 indocin. As Dr. Burnbaum has them prescri-
 bed all for me to take at once. Now
 at pill line only, Destroying my stomach,
 further. In effort I feel to cause
 myself more harm. This same Nurse
 never caring before for years. Now
 all of the sudden. Now upon suit.
 Now overriding a Dr.'s prescribed orders.
 Herself a lower licensed & basic-
 ally lower ranked health provider. A
 nurse. Overriding Dr.'s orders. Said
 for over pre-scribing, misappropriately
 to much tylenol at one time. Having
 tylenol & more tylenol prescribed at
~~same~~ same time in excedrine
 migraine. This has happened this way
 for years. Now after years of know-
 ledge of this action. All the sudden
 this Nurse ascertains a danger. And
 refuses outright to follow Dr.'s. order.
 Why now? And if known over prescribed,
 why not inform the Dr.? And how does

a nurse know this & not a Dr. And if he does. Why am I prescribed it all this way. And it can harm me. Now also Dr. Burnbaum send's security. (I.) Sgt. Lopez in to take all K.O.P.'s. For abuse of medicines I've informed Burnbaum the amounts & results of said amounts of taking these N.A.I.S.D.'s. as prescribed. I've told him verbally & by sick call's. And the results. He does not care or listen until suit against him. And request for address to serve him & medical carrier. Now Centurion Medical with suit.

#4 I am a mentally ill person. In pain, duress, threat by now inmates & now security & medical staff. False reports now written, referrals, physical threat's, allowed now assaulted again & again. Even at religious service. Reported by myself & other's. This ignored too. On 6-25-16. Should be on 2 security surveillance camera's at Sweat Lodge Ceremony. Public Defender's made aware. What if anything done. I do not see

it.

#6 A conflict of interest between myself & the Public Defender's Dept. declared in Habeas & Tort actions to the 1st Judicial District Court. Public Defender will not file motions to protect me. Known needed. Will not be done or filed. And myself told not to file by Public Defender's Office.

#7 Now all Due Process's violated, in disciplinary, classifications, & grievances. Virtually everything denied. Copying denied by disciplinary for disciplinary arg. Denied copying by casemanager for D.H.O., denied copying by legal access for D.H.O. Denied staff representative as per CD-policy, not provided interrogatory's for review yet. Prior to hearing. Denied on the record witness testimony's by D.H.O., denied inmate record file, denied meetings with Classifications Warden, Business Warden, mailroom supervisor, inmate accounts officer. Having to commit disciplinary infraction

ions. Even to get this to this court. And aid in preparation to all legal proceedings & filings due to severe mental illness. Now virtually untreated. I've requested & sought advocacy. Submitted Motion to be provided Pro Bono or Law Student Council. And do need it. Myself a severely mentally ill class in the N.M.D.O.C. And now in pain, under threats on every side & can get no intervention or action from anyone. Not being treated for pain properly, mental illness now in effect un-treated due to nausea & vomiting. I need court intervention. I need advocacy. I have written, attempted to write, to call, every advocacy available to me. Now not known if received. I know not in receipt of responses from Disability Rights New Mexico, A.C.L.U. now, several requests to the Public Defender's Office. For records, no response from Larry Phillips N.M.D.O.C. grievance coordinator. 4 letters & grievances recorded & sent to him. Never responded to. Not one single complaint & or grievance

submitted at L.C.C.F. ever returned to me. Nor meeting for resolution's requesters ever granted. To date since return to L.C.C.F.

Pain liable under the Prison Litigation reform act.

Grievances Governed under "Civil Rights of an Incarcerated Persons Act".

Religion under "Native American Act" 1978.

"Americans with Disability's Act" Title II 42 U.S.C.

Constitutional Violations under the 1st, 4th, 8th, 6th, 5th, 14th amendments.

#1 For equal protection's under the law.

#2 Due Process

#3 Cruel & Unusual Punishment's

- #4 Pain (mental & physical due to injury's & mental diseases)
A.W.A. Request Submitted
at H.C.C.F. per CD-030800.1.
- #5 "Religious Land Use for Institutionalized Person's Act."
- #6 Medical Care Act.
- #7 Rehabilitation Act.
- #8 Health For Institutionalized Privacy & Portability Act.
- #9 Deliberate, malicious, negligent, retaliatory actions & or threats.
- #10 Medical Ethics Act.
- #11 Dr's Oath to treat, regardless of patient & negligent order by a superior. If it is wrong, it's wrong. A Dr. is sworn on oath as a provider to treat. For any medical illness. Dr. Burnbaum chooses not too. And cause me deliberate suffering. Mental & Phys

ical. Wiliberally + Indifferently. And
I believe now falsifying allegations
to attempt transference + non-treat-
ment by him.

I ask this court to Review
Granado vs. LeMaster's CV200202178.
Santa Fe County
Granado vs. Tarecka Habeas 2008.
Lea County N.M.

Granado vs. Wrigley 2015
Lea County Habeas

Granado vs. Martinez 2016
Otero County (Habeas)

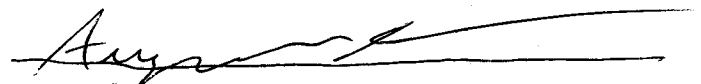
Granado vs. Franco 2016
Santa Fe County. (Habeas)
D-101-CV-2016-01412 (Tort Claim)
D-101-CV-2016-01416

I cannot provide service to the
defendant's due to defendant's own
actions of both freezing + leaving
positive balance + negative balance
to deny mailing's to any court. ~~the~~

For service, summons, subpoena, Motions, Councils, the N.M.D.O.C., advocacy agency's, to buy canteen, envelopes, pens, paper, myself having to depend on charity of others to even mail this document. And if not. Would not be able to mail it. Committed disciplinary infractions to send this to the ~~Court~~ this Court.

Certificate of Service

I do hereby state that the facts alleged, & or used are true & correct to the very best of my own knowledge & understanding. And under penalty of perjury & prosecution I do submit them as fact. And I have requested the Clerk of this court, due to defendant's own actions to provide service upon the defendant's on this 15th day of July, 2016.



Signature

Sent 7-15-16

ENDORSED
First Judicial District Court

JUN 14 2016

Santa Fe, Rio Arriba &
Los Alamos Counties
PO Box 2268
Santa Fe, NM 87504-2268

4-223. Order for free process.
[For use with Supreme Court General Rule 23-114]

STATE OF NEW MEXICO
COUNTY OF Santa Fe
FIRST JUDICIAL DISTRICT COURT

Augustin E. Escamado Jr
Petitioner,

vs.

No. D-101-CV-2016-01412
D-101-CV-2016-01416

Warden's Denial, Otero, & Santa Fe Prison Facilities et al
Respondent.

ORDER ON APPLICATION FOR FREE PROCESS

THIS MATTER having come before the court on Petitioner's application for free process and affidavit of indigency, or upon Petitioner's attorney's certificate supporting indigency and free process pursuant to Rule 23-114(B)(2) NMRA, and the court being otherwise advised in the premises,
FINDS that:

- ☐ the applicant is entitled to free process in accordance with Rule 23-114(B)(2) NMRA.
- ☐ the applicant receives public assistance and is, therefore, entitled to free process.
- ☒ the applicant's annual income does not exceed 18520 of the federal poverty guidelines, and the applicant is, therefore, entitled to free process.
- ☐ the applicant's annual gross income exceeds _____ of the federal poverty guidelines, but the applicant is not reasonably able to pay fees or costs and is, therefore, entitled to free process.
- ☐ on the basis of the applicant's available funds or annual income, the applicant is not entitled to free process.


THE COURT ORDERS that:

- ☒ the filing fee is waived.
- ☐ the filing fee is waived except for the \$ _____ alternative dispute resolution (ADR) fee.
- ☐ The applicant is granted free service of process by the Sheriff in _____

County, New Mexico for 1 2 3 4 5 or _____ summons(es),
provided that the applicant first attempts service by certified mail pursuant to Rule 1-004
NMRA.

- ☐ the applicant is granted free service by the Sheriff in _____ County, New Mexico, of a temporary restraining order or _____.
- ☐ the applicant is to pay the filing fee on _____, 20____.
- ☐ interpretation services shall be provided to the applicant.
- ☐ free process is denied.
- ☐ Other: _____

Unless specifically granted above, this order of free process does not include the following costs: jury fees, certification fees, subpoena fees for witnesses, witness fees for hearings or trials, mailings, long distance charges, transcripts for appeals or record proper, duplication fees for audiotapes or compact discs, copy charges, publication fees, or facsimile services. Application for all other costs are to be made to the judge assigned to your case. If the applicant prevails in this law suit and collects money by judgment or settlement, the court may order reimbursement for any waived costs. If the applicant is represented by an attorney who is paid an attorney fee, any fees or costs waived by this order must be deducted from an such attorney fee and paid to the court clerk. *This order is subject to revision, modification or rescission by the judge assigned to your case.*



JUDGE

Dear Clerk,

7-15-16

I am asking the Court's discretion + leniency in this + any filings. As I am kept unable to purchase proper materials for proceedings. Having to depend on the charity of others even to send filings. Due to defendant's deliberate actions + impudence to the court's. Of myself. Myself a mentally ill + incapacitated person due to mental illness. Now virtually left untreated in essence. If the Court or clerk can review all Petitions, Habeas + Tort. In addition to this one. And all applicable caselaw, + Incompetence evaluation + Granado vs. LeMaster's CV200202178 For proof of Incompetence, mental illness, or disease, in helping to Judge need of this Writ of Mandamus. It would greatly aid myself. I am in fear of life + death + pain + injury + non-treatment to mental disease. And now malicious intent by the Dr. + security to cause me imminent harm. And N.M.D.O.C. Officials

Thank You,

Angus J.

Willfred Platha #54614 AH-E-103
6000 W. Millen Dr.
Hobbs N.M. 88249

ok
✓ 7/25/16 sent 7-15-16

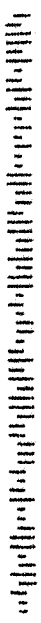
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Albuquerque NM

JUL 25 2016

MATTHEW J. DYKMAN
CLERK

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